

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAVERN CHARLES FASTHORSE.

Petitioner,

VS.

STATE OF NEVADA, *et al.*,

Respondents.

2:16-cv-02495-APG-VCF

ORDER

On November 10, 2016, the court entered an order dismissing this habeas corpus action based on a finding that petitioner had filed a defective motion for leave to proceed *in forma pauperis*. ECF No. 3. On November 21, 2016, this court received documents from petitioner that perfected his motion for leave to proceed *in forma pauperis*. ECF No. 5. Although the order dismissing this action instructed petitioner to file a *new* habeas action, the court shall, in the interest of judicial efficiency, set aside its dismissal and entertain petitioner's perfected motion.

Based on the financial information provided with petitioner's motion, the court finds that petitioner is able to pay the full filing fee of five dollars (\$5.00). Thus, his motion shall be denied. Petitioner is required to pay the filing fee required for a habeas corpus petition – i.e. five dollars.

IT IS THEREFORE ORDERED that the order entered on November 10, 2016, (ECF No. 3) and the judgment entered on November 14, 2016, (ECF No. 4) are VACATED.

IT IS FURTHER ORDERED that petitioner's application to proceed *in forma pauperis* (ECF Nos. 1/5) is DENIED. Petitioner shall have **thirty (30) days** from the date that this order is entered to have the filing fee of five dollars (\$5.00) sent to the clerk of the court. Failure to comply will result in the dismissal of this action.

IT IS FURTHER ORDERED that the clerk of the court shall send petitioner two copies of this order. Petitioner is ordered to make the necessary arrangements to have one copy of this order attached to the check paying the filing fee.

DATED: December 16, 2016.



UNITED STATES DISTRICT JUDGE